

SHEINDLIN, U.S.D.J.

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

BOARD OF TRUSTEES OF THE AFTRA  
RETIREMENT FUND, in its capacity as a  
fiduciary of the AFTRA Retirement Fund,  
individually and on behalf of all others similarly  
situated,

Plaintiff,

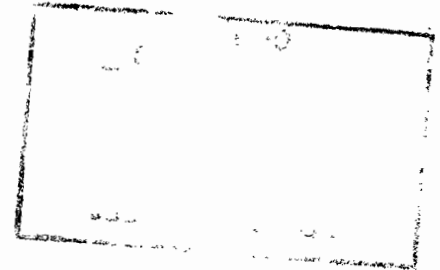
v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

No. 09-cv-00686 (SAS) (DF)

ECF Case



BOARD OF TRUSTEES OF THE IMPERIAL  
COUNTY EMPLOYEES' RETIREMENT  
SYSTEM, in its capacity as a fiduciary of the  
Imperial County Employees' Retirement System,  
individually and on behalf of all others similarly  
situated,

Plaintiff,

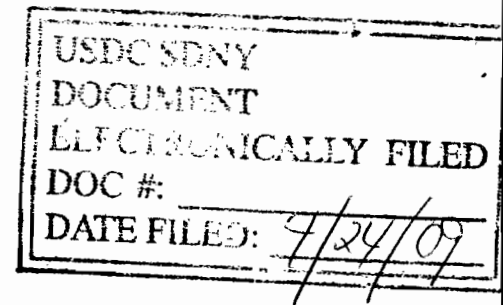
v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

No. 09-cv-03020 (SAS)

ECF Case



SHIRA A. SHEINDLIN, U.S.D.J.

STIPULATED ~~PROPOSED~~ ORDER OF CONSOLIDATION  
PURSUANT TO FED. R. CIV. P. 42(A) & SCHEDULING ORDER

WHEREAS, on January 23, 2009, the Board of Trustees of the AFTRA Retirement Fund, in its capacity as fiduciary of the AFTRA Retirement Fund ("AFTRA Retirement Fund"), commenced the above-captioned action against JPMorgan Chase Bank, N.A. ("JPMorgan"), No. 09-cv-686 (SAS) ("AFTRA Action"), which was assigned to this Court; and

WHEREAS, on March 23, 2009, the Court conducted a conference with counsel for the parties in the AFTRA Action pursuant to Federal Rule of Civil Procedure 16(b) and subsequently issued a Scheduling Order applicable to the case ("Scheduling Order"); and

WHEREAS, on April 1, 2009, the Board of Trustees of the Imperial County Employees' Retirement System, in its capacity as fiduciary of the Imperial County Employees' Retirement System ("Imperial County"), commenced the above-captioned action against JPMorgan, No. 09-cv-3020 (SAS) ("Imperial County Action"), which action, on April 3, 2009, was transferred to this Court as being relating to the AFTRA Action; and

WHEREAS, pursuant to Federal Rule of Civil Procedure 42(a), the Court finds that the AFTRA Action and Imperial County Action involve common questions of fact;

NOW, THEREFORE, the parties hereby stipulate to and the Court so orders the following:

1. The AFTRA Action and the Imperial County Action (collectively, "Actions") are hereby consolidated for purposes of pre-trial discovery. The Scheduling Order that the Court issued on March 23, 2009 shall henceforth apply to both Actions with the following exceptions: (a) The parties in the Imperial County Action shall serve any interrogatories or requests for production of documents on or before June 1, 2009; and (b) In view of the need to conduct document discovery relating to the Imperial County Action and to avoid duplication of effort, the parties in both Actions will respond to all document requests on a good faith rolling basis to be completed no later than September 1, 2009. All remaining provisions and deadlines set forth in the Scheduling Order remain valid and apply to both Actions, without prejudice to any party's right to seek additional extensions of any of the deadlines herein or in the Scheduling Order for appropriate reasons.

2. The undersigned counsel for JPMorgan agrees to accept service of the complaint filed in the Imperial County Action. JPMorgan shall have until May 15, 2009, in which to answer, move or otherwise respond to the Imperial County complaint.

3. AFTRA Retirement Fund shall be permitted to file an amended complaint in the AFTRA Action solely to expand the proposed class definition in the manner previously discussed with JPMorgan and shall do so within five (5) days after this Order is filed.

4. Nothing herein shall waive or prejudice JPMorgan's right to oppose class certification in either Action on any ground.

**For Plaintiffs:**

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By: 

Joseph M. Meltzer

**For Defendant:**

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By: 

Lewis R. Clayton

SO ORDERED, this 22 day of April 2009.

  
Honorable Shira A. Scheindlin  
United States District Judge